

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EMMA SALMASSIAN
1818 Deermont Road
Glendale, CA 91207

Registered Nurse License No. ~~600453~~ 327375

Respondent

Case No. 2008-94

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on January 2, 2009.

IT IS SO ORDERED December 3, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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of the State of California
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 EMMA SALMASSIAN
13 1818 Deermont Road
14 Glendale, CA 91207

15 Registered Nurse License No. RN 327375

16 Respondent.

Case No. 2008-94

OAH No. 2008050606

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:
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21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by Gloria A. Barrios, Supervising Deputy Attorney General.

26 2. Emma Salmassian (Respondent) is represented in this proceeding by
27 Gevik M. Baghdassarian, Esq., of Pillsbury, Winthroe, Shaw, Pittman, LLP, whose address is
28 725 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-1033.

3. On or about March 31, 1981, the Board of Registered Nursing (the Board) issued Registered Nurse License No. RN 327375 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-94 and will expire on March 31, 2008, unless renewed.

JURISDICTION

4. Accusation No. 2008-94 was filed before the Board, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 3, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-94 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. 2008-94. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2008-94.

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1 9. Respondent agrees that her Registered Nurse License is subject to
2 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
3 Disciplinary Order below.

4
5 **CONTINGENCY**

6 10. This stipulation shall be subject to approval by the Board of Registered
7 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
8 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
9 and settlement, without notice to or participation by Respondent. By signing the stipulation,
10 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
11 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
12 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
13 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
14 between the parties, and the Board shall not be disqualified from further action by having
15 considered this matter.

16 11. The parties understand and agree that facsimile copies of this Stipulated
17 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
18 force and effect as the originals.

19 12. In consideration of the foregoing admissions and stipulations, the parties
20 agree that the Board may, without further notice or formal proceeding, issue and enter the
21 following Disciplinary Order:

22 **DISCIPLINARY ORDER**

23 IT IS HEREBY ORDERED that Registered Nurse License Respondent issued to
24 Emma Salmassian that will be revoked. The revocation will be stayed and the Respondent
25 placed on three (3) years probation on the following terms and conditions:

26 **Severability Clause.** Each condition of probation contained herein is a separate
27 and distinct condition. If any condition of this Order, or any application thereof, is declared
28 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other

1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
2 and enforceable to the fullest extent permitted by law.

3 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
4 A full and detailed account of any and all violations of law shall be reported by Respondent to
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
6 compliance with this condition, Respondent shall submit completed fingerprint forms and
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
8 as part of the licensure application process.

9 **Criminal Court Orders:** If Respondent is under criminal court orders, including
10 probation or parole, and the order is violated, this shall be deemed a violation of these probation
11 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

12 2. **Comply with the Board's Probation Program.** Respondent shall fully
13 comply with the conditions of the Probation Program established by the Board and cooperate
14 with representatives of the Board in its monitoring and investigation of the Respondent's
15 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
16 within no more than 15 days of any address change and shall at all times maintain an active,
17 current license status with the Board, including during any period of suspension.

18 Upon successful completion of probation, Respondent's license shall be fully
19 restored.

20 3. **Report in Person.** Respondent, during the period of probation, shall
21 appear in person at interviews/meetings as directed by the Board or its designated
22 representatives.

23 4. **Residency, Practice, or Licensure Outside of State.** Periods of
24 residency or practice as a registered nurse outside of California shall not apply toward a reduction
25 of this probation time period. Respondent's probation is tolled, if and when she resides outside
26 of California. Respondent must provide written notice to the Board within 15 days of any change
27 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
28 returning to practice in this state.

1 Respondent shall provide a list of all states and territories where she has ever been
2 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
3 provide information regarding the status of each license and any changes in such license status
4 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
5 new nursing license during the term of probation.

6 5. **Submit Written Reports.** Respondent, during the period of probation,
7 shall submit or cause to be submitted such written reports/declarations and verification of actions
8 under penalty of perjury, as required by the Board. These reports/declarations shall contain
9 statements relative to Respondent's compliance with all the conditions of the Board's Probation
10 Program. Respondent shall immediately execute all release of information forms as may be
11 required by the Board or its representatives.

12 Respondent shall provide a copy of this Decision to the nursing regulatory agency
13 in every state and territory in which she has a registered nurse license.

14 6. **Function as a Registered Nurse.** Respondent, during the period of
15 probation, shall engage in the practice of registered nursing in California for a minimum of 20
16 hours per week for 6 consecutive months or as determined by the Board.

17 For purposes of compliance with the section, "engage in the practice of registered
18 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
19 work in any non-direct patient care position that requires licensure as a registered nurse.

20 The Board may require that advanced practice nurses engage in advanced practice
21 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
22 Board.

23 If Respondent has not complied with this condition during the probationary term,
24 and Respondent has presented sufficient documentation of her good faith efforts to comply with
25 this condition, and if no other conditions have been violated, the Board, in its discretion, may
26 grant an extension of Respondent's probation period up to one year without further hearing in
27 order to comply with this condition. During the one year extension, all original conditions of
28 probation shall apply.

1 7. **Employment Approval and Reporting Requirements.** Respondent
2 shall obtain prior approval from the Board before commencing or continuing any employment,
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.
10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

14 8. **Supervision.** Respondent shall obtain prior approval from the Board
15 regarding Respondent's level of supervision and/or collaboration before commencing or
16 continuing any employment as a registered nurse, or education and training that includes patient
17 care.

18 Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
21 are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not
23 limited to the following:

24 (a) Maximum - The individual providing supervision and/or collaboration is
25 present in the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in
27 the patient care unit or in any other work setting at least half the hours Respondent works.

28 (c) Minimum - The individual providing supervision and/or collaboration has

1 person-to-person communication with Respondent at least twice during each shift worked.

2 (d) Home Health Care - If Respondent is approved to work in the home health
3 care setting, the individual providing supervision and/or collaboration shall have person-to-
4 person communication with Respondent as required by the Board each work day. Respondent
5 shall maintain telephone or other telecommunication contact with the individual providing
6 supervision and/or collaboration as required by the Board during each work day. The individual
7 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
8 site visits to patients' homes visited by Respondent with or without Respondent present.

9 9. **Employment Limitations.** Respondent shall not work for a nurse's
10 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
11 traveling nurse, or for an in-house nursing pool.

12 Respondent shall not work for a licensed home health agency as a visiting nurse
13 unless the registered nursing supervision and other protections for home visits have been
14 approved by the Board. Respondent shall not work in any other registered nursing occupation
15 where home visits are required.

16 Respondent shall not work in any health care setting as a supervisor of registered
17 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
18 nurses and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of nursing
20 or as an instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned, identified and predetermined
22 worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per week, the
24 Board may request documentation to determine whether there should be restrictions on the hours
25 of work.

26 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
27 enroll and successfully complete a course(s) relevant to the practice of registered nursing not
28 later than six months prior to the end of her probationary term.

1 Respondent shall obtain prior approval from the Board before enrolling in the
2 course(s). Respondent shall the original transcripts or certificates of completion for the above
3 required course(s). The Board shall return the original documents to Respondent after
4 photocopying them for its records.

5 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
6 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
7 amount of \$1,500.00. Respondent shall be permitted to pay these costs in a payment plan
8 approved by the Board, with payments to be completed no later than three months prior to the
9 end of the probation term.

10 If Respondent has not complied with this condition during the probationary term,
11 and Respondent has presented sufficient documentation of her good faith efforts to comply with
12 this condition, and if no other conditions have been violated, the Board, in its discretion, may
13 grant an extension of Respondent's probation period up to one year without further hearing in
14 order to comply with this condition. During the one year extension, all original conditions of
15 probation will apply.

16 12. **Violation of Probation.** If Respondent violates the conditions of her
17 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
18 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
19 license.

20 If during the period of probation, an accusation or petition to revoke probation has
21 been filed against Respondent's license or the Attorney General's Office has been requested to
22 prepare an accusation or petition to revoke probation against Respondent's license, the
23 probationary period shall automatically be extended and shall not expire until the accusation or
24 petition has been acted upon by the Board.

25 13. **License Surrender.** During Respondent's term of probation, if she ceases
26 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
27 probation, Respondent may surrender her license to the Board. The Board reserves the right to
28 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to

1 take any other action deemed appropriate and reasonable under the circumstances, without
2 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
3 will no longer be subject to the conditions of probation.

4 Surrender of Respondent's license shall be considered a disciplinary action and
5 shall become a part of Respondent's license history with the Board. A registered nurse whose
6 license has been surrendered may petition the Board for reinstatement no sooner than the
7 following minimum periods from the effective date of the disciplinary decision:

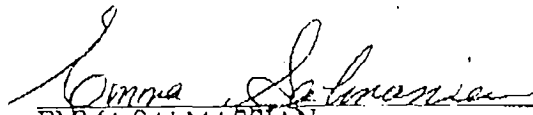
8 (1) Two years for reinstatement of a license that was surrendered for any
9 reason other than a mental or physical illness; or

10 (2) One year for a license surrendered for a mental or physical illness.

11
12 ACCEPTANCE


13 I have carefully read the above Stipulated Settlement and Disciplinary Order and
14 have fully discussed it with my attorney, Gevik M. Baghdassarian. I understand stipulation and
15 the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement
16 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Board of Registered Nursing.

18 DATED: Aug. 14, 2008

19
20 
21 EMMA SALMASSIAN
Respondent

22 I have read and fully discussed with Respondent the terms and conditions and
23 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
24 form and content.

25 DATED: Aug 14, 2008

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28 GEVİK M. BAGHDASSARIAN
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 8/18/08

EDMUND G. BROWN JR., Attorney General
of the State of California

KAREN B. CHAPPELLE
Supervising Deputy Attorney General



GLORIA A. BARRIOS
Supervising Deputy Attorney General
Attorneys for Complainant

Matter ID Number: LA2005601293
SAL STIP WPD

Exhibit A
Accusation No. 2008-94

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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

EMMA SALMASSIAN
1818 Deermont Road
Glendale, CA 91207

Registered Nursing License No. 327375

Respondent.

Case No. *2008-94*

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

2. On or about March 31, 1981, the Board issued Registered Nursing License No. 327375 to Emma Salmassian (Respondent). The Registered Nursing License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2006, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code (Code) provides, in
4 pertinent part, that the Board may discipline any licensee, including a licensee holding a
5 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
6 2750) of the Nursing Practice Act.

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
8 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
9 against the licensee or to render a decision imposing discipline on the license. Under section
10 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
11 the expiration.

12 6. Section 2761 of the Code states:

13 "The board may take disciplinary action against a certified or licensed nurse or
14 deny an application for a certificate or license for any of the following:

15 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

16

17 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
18 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
19 Nursing Practice Act] or regulations adopted pursuant to it."

20 7. Section 2762 of the Code states:

21 "In addition to other acts constituting unprofessional conduct within the meaning
22 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
23 under this chapter to do any of the following:

24

25 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
26 entries in any hospital, patient, or other record pertaining to the substances described in
27 subdivision (a) of this section."

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1 8. Health and Safety Code section 11173, subdivision (b) states:

2 “(b) No person shall make a false statement in any prescription, order, report, or
3 record, required by this division.”

4 9. California Code of Regulations, title 16, section 1442 states:

5 “As used in Section 2761 of the Code, ‘gross negligence’ includes an extreme
6 departure from the standard of care, which, under similar circumstances, would have ordinarily
7 been exercised by a competent registered nurse. Such an extreme departure means the failure to
8 provide nursing care as required or failure to provide care or to exercise ordinary precaution in a
9 single situation in which the nurse knew, or should have known, could have jeopardized the
10 client’s health or life.”

11 10. California Code of Regulations, title 16, section 1443 states:

12 “As used in Section 2761 of the code, ‘incompetence’ means the lack of
13 possession of or the failure to exercise that degree of learning, skill, care and experience
14 ordinarily possessed and exercised by a competent registered nurse as described in Section
15 1443.5.”

16 11. California Code of Regulations, title 16, section 1443.5 states:

17 “A registered nurse shall be considered to be competent when he/she consistently
18 demonstrates the ability to transfer scientific knowledge from social, biological and physical
19 sciences in applying the nursing process, as follows:

20 “(1) Formulates a nursing diagnosis through observation of the client's physical
21 condition and behavior, and through interpretation of information obtained from the client and
22 others, including the health team.

23 “(2) Formulates a care plan, in collaboration with the client, which ensures that
24 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
25 protection, and for disease prevention and restorative measures.

26 “(3) Performs skills essential to the kind of nursing action to be taken, explains
27 the health treatment to the client and family and teaches the client and family how to care for the
28 client's health needs.

1 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
2 subordinates and on the preparation and capability needed in the tasks to be delegated, and
3 effectively supervises nursing care being given by subordinates.

4 "(5) Evaluates the effectiveness of the care plan through observation of the
5 client's physical condition and behavior, signs and symptoms of illness, and reactions to
6 treatment and through communication with the client and health team members, and modifies the
7 plan as needed.

8 "(6) Acts as the client's advocate, as circumstances require, by initiating action to
9 improve health care or to change decisions or activities which are against the interests or wishes
10 of the client, and by giving the client the opportunity to make informed decisions about health
11 care before it is provided."

12 12. Section 125.3 of the Code provides, in pertinent part, that the Board may
13 request the administrative law judge to direct a licensee found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 13. CONTROLLED SUBSTANCES

17 "Versed," is the brand for midazolam. It is a Schedule IV controlled substance as
18 designated by Health and Safety Code section 11057, subdivision (d)(7) and is categorized as a
19 "dangerous drug" pursuant to Business and Professions Code section 4022.

20 FIRST CAUSE FOR DISCIPLINE

21 (Falsified Hospital Records)

22 14. Respondent's license is subject to disciplinary action under section 2761,
23 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2762,
24 subdivision (e), for violating Health and Safety Code section 11173, subdivision (b), in that
25 while employed as a registered nurse, at Beverly Hospital in Montebello, CA, Respondent
26 falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and
27 patient records pertaining to controlled substances and dangerous drugs in the following respects:

28 a. On or about December 9, 2003, Respondent was assigned to the

gastrointestinal laboratory, as a registered nurse, with Rebecca Baja (Baja), Registered Nurse, Charge Nurse, and Jennifer Bautista (Bautista), Registered Nurse.

b. Respondent began her shift at 0730 hours. Respondent performed the narcotic count with a licensed vocational nurse and noted the Versed and Demerol counts to be correct. The count listed 2mg vials of Versed and 50 mg of Demerol.

c. It was determined that on or about December 8, 2003, at approximately 1600 hours, the pharmacy delivered Versed 10mg vials in place of Versed 2 mg vials to the gastrointestinal lab. Nurse Bautista administered improper dosages of controlled medication (Versed) to patients M0764719, M0632852, M0756695, M0426265, M0741528, M0315606, M0759546, M0521135, M0647182, M0764451, M0460247, M0736247, M0701915 and M0481273.

d. Respondent failed to complete the narcotic log and the procedural sedation flowsheet in the gastrointestinal laboratory. When asked, Respondent indicated that it was procedure to complete the paperwork at the end of a case or shift to speed things up.

SECOND CAUSE FOR DISCIPLINE

(Incompetence or Gross Negligence)

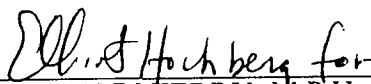
15. Respondent's license is subject to disciplinary action under section 2761, subdivision (a)(1) and (d), on the grounds of unprofessional conduct, in that on or about December 9, 2003, while employed as a registered nurse, at Beverly Hospital, in Montebello, CA Respondent demonstrated incompetence or gross negligence in the process of preparing, administering and recording/documenting of medications. As a result, improper dosages of controlled medications were administered to patients M0764719, M0632852, M0756695, M0426265, M0741528, M0315606, M0759546, M0521135, M0647182, M0764451, M0460247, M0736247, M0701915 and M0481273. Complainant refers to, and by this reference incorporates the allegations in paragraph 14, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1 1. Revoking or suspending Registered Nursing License No. 327375, issued to
2 Emma Salmassian;
3 2. Ordering Emma Salmassian to pay the Board the reasonable costs of the
4 investigation and enforcement of this case, pursuant to Business and Professions Code section
5 125.3;
6 3. Taking such other and further action as deemed necessary and proper.
7

8 DATED: 7/18/07
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11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 State of California
16 Complainant
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